

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

XAVIAR MICHAEL BABUDAR,

Defendant.

Case No. 23-00181-01-CR-W-HFS

**THE UNITED STATES OF AMERICA’S OBJECTION TO  
STATE WRIT OF HABEAS CORPUS AD PROSEQUENDUM**

The United States of America, by and through its undersigned counsel, objects to a request directing the U.S. Marshals Service and/or and/or personnel at the United States Penitentiary Leavenworth (“USP Leavenworth”) to comply, at this time, with the state writ of habeas corpus ad prosequendum, and states as follows:

1. Defendant Xavier Michael Babudar (“Babudar”) cut his ankle monitor and fled from state custody in Tulsa, Oklahoma while awaiting trial in late March 2023. Tulsa County authorities were unable to keep Babudar in their custody, and they failed to locate Babudar after his flight.

2. Kansas City-based Federal Bureau of Investigation special agents, working in conjunction with other law enforcement agencies across the country, were able to locate and arrest Babudar on the federal complaint issued out of the Western District of Missouri relating to numerous other bank robberies which preceded the Bixby, Oklahoma robbery.

3. On July 7, 2023, Babudar was arrested on the Western District of Missouri federal arrest warrant. On July 11, 2023, Babudar had his initial appearance before a magistrate judge in the U.S. District Court for the Eastern District of California on the Western District of Missouri

federal complaint. Babudar was also detained without prejudice and was ordered to be transported to the Western District of Missouri. (ECF No. 22.)

4. Babudar has been indicted by a Western District of Missouri Grand Jury. Babudar is awaiting trial, which is set for the April 29, 2024, joint criminal jury trial docket. Babudar has remained in federal custody since his July 2023 arrest.

5. On January 8, 2024, the Tulsa District Court issued a writ of habeas corpus ad prosequendum directing the U.S. Marshals Service and/or personnel at USP Leavenworth to present Babudar to the Tulsa District Court for an upcoming status conference and “all subsequent proceedings” in the Bixby robbery case.

6. Undersigned counsel is aware that Babudar’s counsel likewise objects to the writ and similarly requests it be denied.

7. Counsel for the government is concerned that granting this writ would create an anti-shuttling provision problem under the Interstate Agreement on Detainers Act, 18 U.S.C. App. 2. Further, given Babudar’s previous flight from Tulsa County’s custody, the government lacks confidence that Babudar will be returned to the custody of the U.S. Marshals Service to face trial in this matter in a timely manner.

8. For the reasons stated herein, the government objects to the request that the U.S. Marshals Service and/or personnel at USP Leavenworth release Babudar back to the custody of Tulsa County until the conclusion of the federal prosecution.

Respectfully submitted,

Teresa A. Moore  
United States Attorney

By */s/ Patrick D. Daly*

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was delivered on January 12, 2024, to the CM-ECF system of the United States District Court for the Western District of Missouri, and a copy of the foregoing will be hand-delivered to the defendant at his first appearance before a judicial officer.

/s/Patrick D. Daly  
Patrick D. Daly  
Assistant United States Attorney